

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

TWD- Appeal Petition filed by Sri.Jadding Ravi Sankar, S/o Jadding Narayana, Occ: Government Teacher, M.P. Elementary School, Kammaguttapalli Village, T.Sundupalli Mandal, Kadapa District , filed under Section 7(2) of Act 16 of 1993 against the Proceedings, dated: 27-8-05 of the District Collector, Kadapa – Appeal Rejected – Orders – Issued.

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SOCIAL WELFARE (CV.2) DEPARTMENT

G.O.Ms.No.67

Dated: 19.6.2009  
Read the following:-

- 1.Proceedings of the Collector, Kadapa District R.Dis C5 /217/M/2002, dated:27-8-05.
- 2.Appeal petition filed Sri.Jadding Ravi Sankar, S/o Jadding Narayana, Occ:Teacher,M.P. Elementary School, Kammaguttapalli Village, T.Sundupalli Mandal, Cuddapah Districtdated:8-10-05.
3. Govt. Memo No.8574/CV.2/2005-3,dated:20-02-2006
4. Letter from the District Collector, Kadapa No. C5/884/M/06, dated:13-12-06.
5. Govt. Memo No.8574/CV.2/2005,dated:19-3-08.

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ORDER:

Sri.Jadding Ravi Sankar, S/o Jadding Narayana, Occ: Government Teacher, M.P. Elementary School, Kammaguttapalli Village, T.Sundupalli Mandal, Kadapa District, filed an appeal petition under Section 7(2) of Act 16 of 1993 against the Proceedings, dated: 27-8-05 of the Collector, Kadapa, for cancellation of his ST Yerukala caste certificate, and submitted the following grounds in support of his claim:-

- 1.The order of the Collector, Kadapa is contrary to law and weight of evidence and all probabilities of the case.
- 2.The Collector without even considering the most important Documents produced on behalf of the petitioner mechanically in a Hypothetical manner cancelled the Caste Certificate of the petitioner.
- 3.The Collector failed to see that the witness of the petitioner and his adoptive father and Biological father before the DLSC. is clearly in a same tuning and there are no contradictions in their statements to establish that the petitioner has been given for adoption to one Jadding Narayana on 1-6-81 at the age of 3 years by executing an agreement to that effect and the same has been subsequently registered on 22-6-88.
- 4.The District Collector without applying the proper procedure simply agreed the findings given by the Scrutiny Committee as against the procedure contemplated under Act 16/93.
5. he District Collector failed to appreciate that the petitioner has been given in adoption to a ST Yerukala Tribe i.e. a sect of Satpadi Yerukala at the age of 3 years and since then he being a minor child is living with them like any other Yerukala Kid without there being any connection with his natural parents.
6. The Collector failed to see that the authorities concerned have issued the ST Caste Certificate to the petitioner after following the due process of law and after studying the way of life of the petitioner as being an Adoptive Child.

7. The District Collector grossly failed to examine any one of the members of Banjara employees Welfare Association who alleged to have filed a petition on 8-3-02 questioning the Caste Certificate of the petitioner.
  8. The District Collector surprisingly failed to consider the letter issued by the Cuddapah District SC and ST Employees Federation wherein they Categorically stated that the petitioner belongs to ST Yerukala.
  9. The District Collector did not examine any documents in support of the petition filed by the Banjara Employees Welfare Association. He failed to appreciate that the said petitioner is politically motivated to victimize the petitioner who hails from a Poor ST Community.
  10. The District Collector failed to see that the Petitioner is the only earning and supporting person to his Adoptive father and other members of the family.
  11. The District Collector erroneously held that the DLSC. reports proved that the petitioner belongs to a Bogus Yerukala Caste without there being any basis to the said alleged enquiry.
  12. The District Collector erroneously held that the materialistic and documentary proofs stand in quite contradiction with the version of the Individual and his Biological parents and Candidly exposing the false-play played by the petitioner to grab the reservation benefit meant for ST.
  13. The District Collector, erroneously held that there is sufficient record to pass order canceling the Bogus ST Caste Certification of the petitioner in view of the documentary and circumstantial evidence available on record.
  14. The District Collector erroneously cancelled the ST Yerukala Caste Certificate of the petitioner and also ordered to cancel his appointment as a Government Teacher, M.P. elementary School of the Kammaguttapalli Village, T. Sundapally Mandal.
  15. The order passed by the District Collector is without giving an opportunity for being heard either to the petitioner or his Adoptive father simply on the basis of some vague allegations.
  16. The case law discussed by the District Collector in the order is not applicable to the fact the Petitioner's case.
- 2) The Govt. in Memo, 3<sup>rd</sup> read above, has requested the District Collector, Kadapa, to furnish parawise remarks and connected records on the appeal petition filed by the appellant. The District Collector, Kadapa, has furnished the same. The following are the remarks of Collector:
1. The cancellation orders of the Yerukala (ST) Caste Certificate of the appellant passed by the District Collector, Kadapa are purely in terms of the connected rule position of the Act 16/93. All facts of the case, documentary and circumstantial evidences, legal positions and probabilities of the case have been thoroughly examined before passing the orders. The orders are not contrary either to law or to weight of evidence.
  2. As per the Act 16/93, the District Collector cancelled the Yerukala ST caste certificate, after satisfying over the enquiry conducted by the DLSC. under the Chairmanship of Joint Collector.
  3. The appellant is the biological son of Sri. Obulasetti Venkatesu and Lakshmiddevamma, who belong to Balija (OC) and natives of Balathimmaiahgaripalli, H/o Surabhi Village of Chakrayapet Mandal and he was

given in for adoption to One Sri Jeddangi Narayana, S/o Jeddangi Naganna, who belong to Yerukala (ST) tribe and a native of Yadaballi (v) Veeraballi Mandal. Accordingly to Section 2(2) of Hindu Adoption and Maintenance Act 1956 (Act No.78/1956) "Notwithstanding any thing contained in this Act shall apply to the members of and ST within the meaning of clause (25) of Article 366 of the Constitution unless the Central Government, by notification in the official Gazette, otherwise directs". In other words, any non ST child who was adopted particularly by ST parents, the adopted child does not conferred with ST status. His original caste remains, unchanged even after adoption. The committee examined all witnesses thoroughly. Later, the false caste certificate of ST was cancelled by the then District Collector.

4. The District Collector followed proper procedure and rule position under the Act 16/93, before canceling the bogus caste certificate. After satisfying over the enquiry conducted by the DLSC., cancelled the bogus Yerukala (ST) caste certificate.
5. The then MRO. issued the (ST) caste certificate to the appellant without making proper enquiry and following the procedure. Further, after conducting local enquiry the MRO, Veeraballi reported that the appellant belongs to Baliya (OC) caste and the petitioner had secured the Government Teacher post on the strength of the bogus Yerukala (ST) tribe caste certificate. Even though the individual was adopted by the ST couple and also lived with their life style the adopted child should not claim the ST status.
6. The Joint Collector and Chairman of DLSC along with members thoroughly enquired the members of the Banjara Employees Welfare Association on 10-9-03 regarding the caste status of the appellant and they also submitted relevant documentary evidences that the appellant belongs to Baliya (OC) caste. After satisfying the findings of the DLSC., the District collector cancelled the Yerukala (ST) caste certificate.
7. All the documentary proofs revealed that he belongs to Baliya caste (OC). The DLSC. examined all the letters given by the District SC and ST employees Federation and took decision as per the Act No.16/93.
8. The Scrutiny Committee examine only on caste issues, but not on financial status of the appellant.
9. The DLSC. enquired both the petitioner and appellant (Ravi Sankar) and also enquired biological and adoptive parents of the appellant. The committee also given reasonable opportunity to both biological and adoptive parents of the appellant for submitting their proofs, as they belong to Yerukala (ST) tribe. Further, after examining the recommendations of the DLSC. and documentary evidences, the District Collector cancelled the appellant's bogus Yerukala (ST) caste certificate.
10. In the light of the material and documentary proofs available on record, the orders were passed rightly by the District Collector, canceling the bogus Yerukala (ST) caste certificate of the appellant.
11. The MRO., Veeraballi, conducted thorough filed level enquiry and reported that the appellant belongs to Baliya (OC) caste and he secured Government teacher post on the strength of the bogus Yerukala (ST) tribe caste certificate. Basing on the above report, the case was placed before DLSC. As per Act 16/93, notices were issued to the appellant and both his biological and adoptive father attended enquiry and deposed their witness through statements. After conducting, due enquiry, the committee also recommended that the appellant belongs to Baliya (OC) caste. Finally, the District Collector cancelled the Yerukala (ST) caste Certificate.

12. According to Sec 9 (7) of the Act 16/93 the District Collector shall communicate the cancellation of the certificate to the Educational Institutions / Employer/Appointing authority. Accordingly, a copy of cancellation orders were sent to the District Educational Officer, Kadapa for taking necessary action against the appellant.
  13. The Committee given several notices to the appellant to appear before the Committee for enquires. The appellant and his biological and adoptive father have appeared before the enquiry and deposed their statements. Therefore, it is not true that the appellant or adoptive father were not given reasonable opportunity to hear their witnesses.
  14. The core aspect in the Judgment of the Additional Junior Civil Court in O.S.No.30/97 and the present case are one and the same, i.e claiming ST reservation by higher caste persons under the guise of adoption. In both the cases adoption drama was enacted just for the sake of official formality and to have the cover of legality. As such, the above Judgment got a great quantum of applicability over the present case. Furthermore, before the Additional Junior Civil Court, Kadapa rejected the appeal of the delinquent in that case. Therefore, the case law discussed by the District collector is necessity to discuss the matter in this case.
- 3). The case was posted for personal hearing on 23-7-07,16-8-07, 31-8-07, 20-11-07 and finally heard on 27-3-08. The Counsel for the appellant was absent on all dates while Appellant attended on 16-8-07,31-8-07 and 27-3-08.
- 4) On care full examination of the grounds for appeal, the contentions of the appellant in his explanations/applications before the DLSC. and the findings of District Collector, enquiry reports and other materials on file, it is found that:
1. The appellant, though his natural parents belong to Baliya caste, is claiming ST status as belonging to "Yerukala" community as a result of his adoption by Yerukala community parents.
  2. Section 2(2) of the Hindu Adoption and Maintenance Act 1956 states that "Notwithstanding anything contained in this Act shall apply to the members of and ST within the meaning of clause (25) of Article 366 of the Constitution unless the Central Government, by notification in the official Gazette, otherwise directs".
  3. The Hon'ble High Court of AP in their Judgment dated:19-2-86 in the W.P.No.11914 of 1985 between Bandi Srinivasa Rao and Osmania University, Hyderabad and the Director of tribal Welfare, AP in a similar case of claiming ST status through Adoption held that "Therefore, I have no hesitation to conclude that though it may be permissible for a plain man /woman to go in adoption under customary law to a Tribal, such an adoption shall be duly for the purpose of personal law. But for the purpose of the Constitution, such a person is outside the fold of the ST and he cannot be treated as a ST candidate".In this case, the contention of the appellant that he lived with adoptive parents faced the disadvantages etc. is also not acceptable as the very adoption is not applicable to members of STs. It may be for the purpose of his personal law but not for the purpose of the Constitution.
- 5) Therefore, in exercise of the powers conferred under Section 7 of Act 16 of 1993 and Rules made there under, the appeal petition filed by Sri.Jadding Ravi Sankar, S/o Jadding Narayana, Occ: Government Teacher, Kadapa District is hereby rejected, upholding the orders of the District Collector, Kadapa in Proceeding R.Dis/217/M/2002,dated:27-8-05. The stay granted in reference 3<sup>rd</sup> read above is hereby vacated.

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6) The records received from the district Collector, Kadapa, vide reference 4<sup>th</sup> read above are herewith returned to him and he is requested to acknowledge the receipt of the same immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K. TIGIDI,  
PRINCIPAL SECRETARY TO GOVT.

To  
The District Collector, Kadapa (W.E) Original Record  
file bearing No. R.Dis.C5/217/M/02,dated:27-8-05  
bearing pages CF337 and NF 16 .

Sri.Jadding Ravi Sankar, S/o Jadding Narayana,  
Occ: Government Teacher,  
M.P. Elimentary School,  
Kammaguttapalli Village,  
T.Sundupalli Mandal, Kadapa District.

M/s S.M.Subhani, advocate,  
3/23,first floor, Taj Commercial Complex  
Nampally, Hyderabad.

Copy to  
The P.S. to M(TW& RIAD)  
The PS to Prl. Secretary (TW)  
The Director of Tribal welfare, Hyderabad.  
The District Educational Officer, Kadapa.  
SF/SC.

//Forwarded::By Order//

SECTION OFFICER.